

BOOK REVIEWS

THE TRIAL OF JESUS. A Judicial Review of the Law and Facts of the World's Most Tragic Court Room Trial. By George W. Thompson. The Bobbs-Merrill Company, Indianapolis. 1927. Pp. 126.

Mr. Thompson's book is a simple, readable story of the last days and condemnation of Jesus, not more than this. To the many monographs on the subject, some of them far more extensive than the present book, the latter adds nothing as to fact or viewpoint. The writer does not appear to be at all directly acquainted with the Jewish law in the premises, even in translation. This lack of original information may explain his muddling over the contrast of the Pentateuch and the Jewish Mishna (the earliest stratum of the Talmud), pp. 6 ff. He remarks that the latter's "allusion to the trial of Jesus is decidedly apologetic and shamefully false from beginning to end"; but the reviewer does not know to what passage in the Talmud he refers. He proceeds to state that "this desultory statement of the Hebrew law, written one hundred and fifty years after the crucifixion of Jesus, is not to be accepted as the law applicable to his prosecution, conviction and execution. The law laid down in the Pentateuch is the only law applicable to the case," etc. And yet throughout the book he cites as against the legality of Jesus' trial the commonplaces of the Jewish law as contained especially in the Talmudic tractate Sanhedrin and known to all students. It is unnecessary therefore to abuse the Talmud, whose very law is the condemnation of the iniquity of that trial. It may be remarked that the Jewish trial of Jesus was not a formal Sanhedrin process, but rather the denunciation of a victim by a packed Grand Jury, consisting of the most influential men among the Jews, to the Roman governor, who alone had the power of death.

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STUDIES IN THE LAW OF TORTS. By Francis H. Bohlen. The Bobbs-Merrill Company, Indianapolis. 1926. Pp. vi, 699.

Had Wigmore, Williston and Mechem confined themselves to case books and law review articles, however comprehensive, one may well hazard a guess that their work would have had effect upon legal decisions only through the work of their students. For one reason or another, tradition or lack of accessibility, the legal profession does not have the habit of reading and using law reviews, at least to the point of citation. This is not an unmitigated misfortune, for much that is therein printed is the result only of a too hasty urge to print. It is unfortunate, however, that the courts are deprived of the result of much work of great value because it is buried in paper-backed pamphlets of miscellaneous content.

Law teachers and students are already familiar with the contents of this volume, the essays which comprise it having appeared in various periodicals over a space of twenty-five years. It is worth while, however, to call to the

attention of the profession generally that, in a subject in which there is little modern American textbook material of substantial merit, there is now accessible a work which sheds light upon every topic touched. There are five suggestive essays upon miscellaneous topics, but the greatest contribution lies in the ten which center around the troublesome topic of negligence. This is one of the actively growing parts of the law; one in which the comparatively simple underlying principles have such infinite variety of application and in which there are so many conflicting interests competing for protection, that not infrequently the courts have difficulty in maintaining consistency and doing justice. Reflecting as it does, the changing ideas of social justice, it is peculiarly a subject in which the theorist and the dogmatist are out of place. If my law school life has not debarred me from expressing an opinion, I would say that Professor Bohlen has not allowed his scholarship and his genius for analysis to ruin his sense of proportion. Whether skillfully tracing principles through a maze of decisions, exposing fallacies, or making plain what has been obscured by misleading decisions or language, he keeps his feet upon the ground of a practical world filled with real people. Were the essays now issued for the first time, some of them would receive extended comment; as it is, many of the ideas expressed have already been generally accepted.

Although written in essay form, with an occasional lapse into involved language, the collection with its index and table of cases is eminently usable for the everyday purposes of the lawyer and the judge. It is to be hoped that it will be freely used and will have the influence it deserves.

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